

STATE OF INDIANA) IN THE DECATUR CIRCUIT COURT
) SS: 16C01-2010-CT-000480
COUNTY OF DECATUR) CAUSE NO.

ELIZABETH KIRK)
)
Plaintiff,)
)
v.)
)
VOYAGER EXPRESS, INC. and)
GREGORY TYSON,)
)
Defendants.)

COMPLAINT

Plaintiff Elizabeth Kirk, by counsel, hereby asserts claims for relief against Defendants Voyager Express, Inc. and Gregory Tyson. In support hereof, the Plaintiff states and alleges:

1. At all times relevant herein, Elizabeth Kirk was domiciled in Franklin County, Indiana.
2. At all times relevant herein, Gregory Tyson was domiciled in Allen County, Ohio.
3. At all times relevant herein, Voyager Express, Inc. was doing business in Decatur County, Indiana.
4. At all times relevant herein, Gregory Tyson was an employee of Voyager Express, Inc. and working within the scope of said employment. As a result of an employee-employer relationship, Voyager Express, Inc. is liable, under the theory of *respondeat superior*, for the negligent acts or omissions of Gregory Tyson.
5. At all times relevant herein, Voyager Express, Inc. was a motor carrier subject

to the provisions of the Federal Motor Carrier Safety Regulations as incorporated by reference in Indiana Code §8-2.1-24-18.

6. At all times relevant herein, the Semi-Tractor and Trailer being operated by Gregory Tyson was a commercial motor vehicle subject to the provisions of the Federal Motor Carrier Safety Regulations as incorporated by reference in Indiana Code §8-2.1-24-18.

7. At all times relevant herein, as the driver and operator of the Semi-Tractor and Trailer, Gregory Tyson, was subject to the provisions of the Federal Motor Carrier Safety Regulations as incorporated by reference in Indiana Code §8-2.1-24-18.

8. On August 15, 2020, at approximately 11:25 a.m., Elizabeth Kirk was driving a Chevrolet on Interstate 74 in Decatur County, Indiana.

9. At said date and time, Gregory Tyson was driving a Semi-Tractor and Trailer behind the Chevrolet.

10. At said date and time, Gregory Tyson was negligent in driving the Semi-Tractor and Trailer including failing to use reasonable care, failing to maintain proper control, failing to keep a proper lookout, driving at an unreasonable speed under the circumstances, and failing to maintain a reasonably safe distance between the vehicles.

11. On August 15, 2020, at approximately 11:25 a.m., the negligent conduct of Gregory Tyson in driving the Semi-Tractor and Trailer was a cause of a collision with the Chevrolet being occupied by Elizabeth Kirk.

12. The negligent conduct of Gregory Tyson was the unexcused violation of one or more laws designed to protect the class of persons, including Elizabeth Kirk, against the type of harm which occurred as a result of the violation.

13. The negligent conduct of Gregory Tyson was a responsible cause of Elizabeth Kirk experiencing harms, including injuries, pain, suffering, and damages.

WHEREFORE, Plaintiff Elizabeth Kirk prays that the Court enters a judgment against Defendants Voyager Express, Inc. and Gregory Tyson for compensatory damages in an amount sufficient to remedy the harms to Plaintiff Elizabeth Kirk, for costs, for a trial by jury on all issues in this cause, and all other just and proper relief in the premises.

Respectfully submitted,

CRAIG KELLEY & FAULTLESS LLC

/s/ Samantha C. Craig Stevens
Samantha C. Craig Stevens, #32553-49

/s/ Whitney L. Coker
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